

112TH CONGRESS  
1ST SESSION

# S. 1280

To amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 27, 2011

Mr. ISAKSON (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. CHAMBLISS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Kate Puzey Peace  
5       Corps Volunteer Protection Act of 2011”.

1 **SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.**

2 The Peace Corps Act is amended by inserting after  
3 section 8 (22 U.S.C. 2507) the following new sections:

4 “SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE  
5 TRAINING

6 “SEC. 8A. (a) IN GENERAL.—As part of the training  
7 provided to all volunteers under section 8(a), the Director  
8 of the Peace Corps shall develop and implement com-  
9 prehensive sexual assault risk-reduction and response  
10 training that conforms to best practices in the sexual as-  
11 sault field as appropriate for first responders and other  
12 staff.

13 “(b) DEVELOPMENT AND CONSULTATION WITH EX-  
14 PERTS.—In developing the sexual assault risk-reduction  
15 and response training under subsection (a), the Director  
16 of the Peace Corps shall consult with and incorporate, as  
17 appropriate, the recommendations and views of experts in  
18 the sexual assault field.

19 “(c) SUBSEQUENT TRAINING.—Once a trainee has  
20 arrived in the trainee’s country of service, the Director of  
21 the Peace Corps shall provide the trainee with training  
22 tailored to the country, including cultural training relating  
23 to gender relations, risk-reduction strategies, a safety plan  
24 in the event of an assault, treatment available in such  
25 country (such as forensic rape exams, PEP for HIV expo-  
26 sure, STD screening, and pregnancy testing), MedEvac

1 procedures, and information regarding the legal process  
 2 for pressing charges against an attacker.

3 “(d) HISTORICAL ANALYSIS.—The Director of the  
 4 Peace Corps shall provide each applicant for enrollment  
 5 with a historical analysis of crimes and risks against vol-  
 6 unteers in the country in which the applicant has been  
 7 invited to serve.

8 “(e) CONTACT INFORMATION.—The Director of the  
 9 Peace Corps shall provide each trainee, before each such  
 10 trainee enrolls as a volunteer, with—

11 “(1) the contact information of the Inspector  
 12 General of the Peace Corps for purposes of reporting  
 13 violations of the sexual assault protocol under sec-  
 14 tion 8B or any other criminal or administrative  
 15 wrongdoing by volunteers, personnel (including ex-  
 16 perts and consultants), or other individuals (includ-  
 17 ing contractors) who do business with the Peace  
 18 Corps; and

19 “(2) clear, written guidelines regarding whom  
 20 to contact, including the direct telephone number for  
 21 a victim advocate and what steps to take in the  
 22 event of a sexual assault.

23 “(f) DEFINITIONS.—In this section and sections 8B  
 24 through 8G:

25 “(1) ASSAULT.—

1                   “(A) IN GENERAL.—The term ‘assault’  
2                   means an act that—

3                   “(i) creates an apprehension in an in-  
4                   dividual of an imminent, harmful, or offen-  
5                   sive contact; or

6                   “(ii) is a harmful or offensive touch-  
7                   ing.

8                   “(B) INCLUSION.—The term ‘assault’ in-  
9                   cludes stalking and sexual assault.

10                  “(2) SEXUAL ASSAULT.—The term ‘sexual as-  
11                  sault’ means any conduct described in chapter 109A  
12                  of title 18, United States Code, relating to  
13                  aggravated sexual abuse, sexual abuse, and sexual  
14                  conduct, whether or not the conduct occurs in the  
15                  special maritime and territorial jurisdiction of the  
16                  United States, and includes both assaults committed  
17                  by offenders who are strangers to the victim and as-  
18                  saults committed by offenders who are known or re-  
19                  lated by blood or marriage to the victim.

20                  “(3) STALKING.—The term ‘stalking’ means  
21                  engaging in a course of conduct directed at a spe-  
22                  cific person that would cause a reasonable person  
23                  to—

24                  “(A) fear for his or her safety or the safety  
25                  of others; or

1 “(B) suffer substantial emotional distress.

2 “(4) INCLUSION OF TRAINEES.—The term ‘vol-  
3 unteers’ includes trainees.

4 “SEXUAL ASSAULT PROTOCOL AND GUIDELINES

5 “SEC. 8B. (a) IN GENERAL.—The Director of the  
6 Peace Corps shall develop and implement comprehensive  
7 sexual assault protocol and guidelines that—

8 “(1) conform to best practices in the sexual assault  
9 field; and

10 “(2) are applicable to all posts at which volunteers  
11 serve.

12 “(b) DEVELOPMENT AND CONSULTATION WITH EX-  
13 PERTS.—In developing the sexual assault policy under  
14 subsection (a), the Director of the Peace Corps shall con-  
15 sult with and incorporate, as appropriate, the rec-  
16 ommendations and views of experts in the sexual assault  
17 field.

18 “(c) ELEMENTS.—The sexual assault protocol and  
19 guidelines developed under subsection (a) shall include, at  
20 a minimum, the following services with respect to a volun-  
21 teer who has been a victim of sexual assault:

22 “(1) Protection of such volunteer’s confidentiality.

23 “(2) Provision of a victim’s advocate to the volunteer.

24 “(3) Provision of a sexual assault forensic evidence  
25 kit to the volunteer upon request.

1       “(4) Provision of emergency health care to the volun-  
2   teer, including, to the greatest extent practicable, a choice  
3   of medical providers and a mechanism for such volunteer  
4   to evaluate such provider.

5       “(5) Provision of counseling and psychiatric  
6   medecine.

7       “(6) Completion of a safety and treatment plan with  
8   the volunteer.

9       “(7) Evacuation of the volunteer, accompanied by a  
10   Peace Corps staffer at the request of such volunteer.

11       “(8) An explanation to the volunteer of available law  
12   enforcement, prosecutorial options, and legal representa-  
13   tion.

14       “(d) DISTRIBUTION AND TRAINING.—The Director  
15   of the Peace Corps shall distribute to and train all in-  
16   country staff regarding the sexual assault protocol and  
17   guidelines developed under subsection (a).

18       “(e) REMOVAL AND ASSESSMENT AND EVALUA-  
19   TION.—

20           “(1) IN GENERAL.—If a volunteer feels at risk  
21       of imminent bodily harm and requests removal from  
22       the site in which such volunteer is serving, the Di-  
23       rector of the Peace Corps shall, as expeditiously as  
24       practical after receiving such request, remove the  
25       volunteer from the site. If the Director of the Peace

1 Corps receives such a request, the Director of the  
2 Peace Corps shall assess and evaluate the safety of  
3 such site and may not assign another volunteer to  
4 the site until such time as the assessment and eval-  
5 uation is complete and the site has been determined  
6 to be safe.

7 “(2) DETERMINATION OF SITE AS UNSAFE.—  
8 Volunteers may remain at a site during an assess-  
9 ment and evaluation under paragraph (1). If the Di-  
10 rector the Peace Corps determines that a site is un-  
11 safe, the Director of the Peace Corps shall, as expe-  
12 ditiously as practical, remove all volunteers from the  
13 site.

14 “(f) SEXUAL ASSAULT RESPONSE TEAMS.—The Di-  
15 rector of the Peace Corps shall establish sexual assault  
16 response teams, including Safety and Security Officers,  
17 medical staff, and a victim advocate, that can respond to  
18 reports of sexual assault against a volunteer.

19 “(g) CASE REVIEW.—The Director of the Peace  
20 Corps shall conduct case reviews of a statistically signifi-  
21 cant number of cases on a quarterly basis to determine  
22 if proper procedures were followed in accordance with the  
23 sexual assault protocols and guidelines developed under  
24 subsection (a) and including the elements specified in sub-  
25 section (c).

1       “(h) TRACKING AND RECORDING.—The Director of  
 2 the Peace Corps shall establish a global tracking and re-  
 3 cording system to track and record incidents of assault  
 4 against volunteers.

5       “(i) PROHIBITION ON COMBINING INCIDENTS.—The  
 6 Director of the Peace Corps may not combine into one  
 7 incident for purposes of tracking and recording under sub-  
 8 section (h) reports by different volunteers of assault  
 9 against such volunteers even if such assaults were com-  
 10 mitted by one individual against such volunteers at any  
 11 one time.

12       “(j) ALTERNATIVE SYSTEMS.—The Director of the  
 13 Peace Corps shall establish an alternative reporting sys-  
 14 tem and hotline access system through which volunteers  
 15 who are victims of assault can report and receive support  
 16 on an anonymous basis. The alternative systems shall be  
 17 published in the Volunteer Handbook.

18                               “VICTIMS ADVOCATES

19       “SEC. 8C. (a) VICTIMS ADVOCATES.—

20               “(1) IN GENERAL.—The Director of the Peace  
 21 Corps shall assign a certified victims advocate in  
 22 Peace Corps headquarters who shall report directly  
 23 to the Director. The Director of the Peace Corps  
 24 shall assign not fewer than three additional certified  
 25 victims advocates to assist the victims advocate. The  
 26 additional victims advocates shall have regional ex-



1       pertise and may be posted abroad if the victims ad-  
2       vocate determines that it is necessary.

3               “(2) PROHIBITION.—Peace Corps Medical Offi-  
4       cers, Safety and Security Officers, and program  
5       staff may not serve as victims advocates. The vic-  
6       tims advocate and additional victims advocates may  
7       not have any other duties in the Peace Corps.

8               “(3) EXEMPTION.—The victims advocate and  
9       additional victims advocates shall be exempt from  
10      the five year rule on appointments and assignments  
11      under section 7(a)(5).

12              “(b) RESPONSIBILITIES.—The victims advocate and  
13      additional victims advocates shall help develop and imple-  
14      ment the sexual assault risk-reduction and response train-  
15      ing described in section 8A and the sexual assault protocol  
16      and guidelines described in section 8B and ensure such  
17      training and such protocol and guidelines are being prop-  
18      erly updated and followed. The victims advocate and addi-  
19      tional victims advocates shall assist volunteers who are vic-  
20      tims of assault by making such victims aware of the serv-  
21      ices specified in section 8B(c) available to them and facili-  
22      tating their access to such services.

23              “(c) STATUS UPDATES.—The victims advocate and  
24      additional victims advocates shall provide to volunteers  
25      who are victims of assault regular updates on the status

1 of their cases if such volunteers have opted to pursue pros-  
2 ecution.

3 “(d) TRANSITION.—A victims advocate who is work-  
4 ing with a volunteer who is a victim of assault and who  
5 relocates back to the United States shall assist the volun-  
6 teer to receive the services specified in section 8B(c) re-  
7 quired by such volunteer, including through the duration  
8 of the claim with the Department of Labor, even after the  
9 volunteer is medically separated.

10 “ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY  
11 COUNCIL

12 “SEC. 8D. (a) ESTABLISHMENT.—There is estab-  
13 lished in the Peace Corps a Sexual Assault Advisory Coun-  
14 cil (in this section referred to as the ‘Council’).

15 “(b) MEMBERSHIP.—The Council shall be composed  
16 of individuals selected by the Director of the Peace Corps  
17 who are returned volunteers (including volunteers who  
18 were victims of sexual assault and volunteers who were  
19 not victims of sexual assault) and governmental and non-  
20 governmental experts and professionals in the sexual as-  
21 sault field.

22 “(c) FUNCTIONS; MEETINGS.—The Council shall  
23 meet not less often than annually to review the sexual as-  
24 sault risk-reduction and response training developed under  
25 section 8A, sexual assault policy developed under section  
26 8B, and the confidentiality policy developed under section

1 8F to ensure that such training and policies conform to  
2 best practices in the sexual assault field.

3 “(d) REPORTS.—The Council shall annually submit  
4 to the Director of the Peace Corps and the Committee  
5 on Foreign Affairs and the Committee on Appropriations  
6 of the House of Representatives and the Committee on  
7 Foreign Relations and the Committee on Appropriations  
8 of the Senate a report on its findings based on the reviews  
9 conducted pursuant to subsection (c).

10 “(e) FEDERAL EMPLOYEES.—Members of the Coun-  
11 cil shall not be considered Federal employees for any pur-  
12 pose and shall not receive compensation other than reim-  
13 bursement of travel expenses and per diem allowance.

14 “(f) NONAPPLICABILITY OF FACA.—The Federal  
15 Advisory Committee Act (5 U.S.C. App.) shall not apply  
16 to the Council.

17 “VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

18 “SEC. 8E. (a) MONITORING AND EVALUATION.—Not  
19 later than one year after the date of the enactment of this  
20 section, the Director of the Peace Corps shall establish  
21 goals, metrics, and monitoring and evaluation plans for  
22 all Peace Corps programs and Country Directors. Moni-  
23 toring and evaluation plans shall incorporate best prac-  
24 tices from monitoring and evaluation studies and analyses.

25 “(b) ANNUAL VOLUNTEER SURVEYS.—The Director  
26 of the Peace Corps shall annually conduct a confidential

1 survey of volunteers regarding the effectiveness of Peace  
2 Corps programs and staff and the safety of volunteers.

3 “(c) PEACE CORPS INSPECTOR GENERAL.—The In-  
4 spector General of the Peace Corps shall submit to the  
5 Committee on Foreign Affairs and the Committee on Ap-  
6 propriations of the House of Representatives and the  
7 Committee on Foreign Relations and the Committee on  
8 Appropriations of the Senate the following:

9 “(1) A biennial report on reports received from  
10 volunteers relating to misconduct, mismanagement,  
11 or policy violations of Peace Corps staff, any  
12 breaches of the confidentiality of volunteers, and any  
13 actions taken to assure the safety of volunteers who  
14 provide such reports.

15 “(2) A report, not later than two years after  
16 the date of the enactment of this section and every  
17 five years thereafter, evaluating the effectiveness and  
18 implementation of the assault risk-reduction and re-  
19 sponse training developed under section 8A and the  
20 sexual assault protocol and guidelines developed  
21 under section 8B.

22 “(3) A trend analysis every three years of the  
23 annual volunteer surveys, including actions taken in  
24 response to such surveys.

12 “NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE  
13 INFORMATION

24 “(b) GUIDANCE.—The Director of the Peace Corps  
25 shall provide guidance to officers and employees of the  
26 Peace Corps who have access to the information reported

1 by volunteers under subsection (a) in order to protect  
2 against the inappropriate disclosure of such information  
3 and ensure the safety of such volunteers.

4 “(c) NONDISCLOSURE.—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graphs (2) and (3), the Director of the Peace Corps  
7 may not—

8 “(A) disclose any personally identifying in-  
9 formation or personal information of a volun-  
10 teer who is a victim of assault collected in con-  
11 nection with services requested, utilized, or de-  
12 nied through Peace Corps programs; or

13 “(B) reveal such information without the  
14 informed, purpose-limited, and reasonably time-  
15 limited consent of the volunteer about whom  
16 such information is sought.

17 “(2) RELEASE.—If the release of information  
18 described in paragraph (1) is authorized by statute  
19 or compelled by court order, the Director of the  
20 Peace Corps shall—

21 “(A) make reasonable attempts to provide  
22 notice to the volunteer with respect to whom  
23 such information is being released; and

24 “(B) take such action as is necessary to  
25 protect the privacy and safety of the volunteer.

1           “(3) INFORMATION SHARING.—The Director of  
2           the Peace Corps may share—

3                   “(A) nonpersonally identifying data in the  
4                   aggregate regarding services to volunteers and  
5                   nonpersonally identifying demographic informa-  
6                   tion in order to comply with reporting, evalua-  
7                   tion, or data collection requirements;

8                   “(B) nonpersonally identifying information  
9                   that would protect the safety of volunteers;

10                  “(C) court-generated information and law-  
11                  enforcement generated information contained in  
12                  secure, governmental registries for protection  
13                  order enforcement purposes; and

14                  “(D) law enforcement- and prosecution-  
15                  generated information necessary for law en-  
16                  forcement and prosecution purposes.

17           “(d) DEFINITION.—In this section, the terms ‘per-  
18           sonally identifying information’ and ‘personal information’  
19           mean information for or about a volunteer who is a victim  
20           of assault, including information likely to disclose the loca-  
21           tion of such victim, including the following:

22                   “(1) A first and last name.

23                   “(2) A home or other physical address.

1           “(3) Contact information (including a postal,  
2           email, or Internet protocol address, or telephone or  
3           facsimile number).

4           “(4) A social security number.

5           “(5) Any other information, including date of  
6           birth, racial or ethnic background, or religious affili-  
7           ation, that, in combination with information de-  
8           scribed in paragraphs (1) through (4), would serve  
9           to identify the victim.

10                   “REPORTING REQUIREMENTS

11           “SEC. 8G. (a) IN GENERAL.—The Director of the  
12           Peace Corps shall annually submit to the Committee on  
13           Foreign Affairs and the Committee on Appropriations of  
14           the House of Representatives and the Committee on For-  
15           eign Relations and the Committee on Appropriations of  
16           the Senate a report summarizing information on—

17           “(1) sexual assault against volunteers;

18           “(2) assault against volunteers; and

19           “(3) the annual rate of early termination of volun-  
20           teers, including, to the maximum extent practicable, demo-  
21           graphic data associated with such early termination.

22           “(b) GAO.—Not later than one year after the date  
23           of the enactment of this section, the Comptroller General  
24           of the United States shall submit to the Committee on  
25           Foreign Affairs and the Committee on Appropriations of  
26           the House of Representatives and the Committee on For-



1 eign Relations and the Committee on Appropriations of  
 2 the Senate a report evaluating the quality and accessibility  
 3 of health care provided through the Department of Labor  
 4 to returned volunteers upon their separation from the  
 5 Peace Corps.

6 “(c) ACCESS TO COMMUNICATIONS.—

7 “(1) IN GENERAL.—The Director of the Peace  
 8 Corps, in coordination with all Country Directors,  
 9 shall determine the level of access to communication,  
 10 including cellular and Internet access, of each volun-  
 11 teer.

12 “(2) REPORT.—Not later than six months after  
 13 the date of the enactment of this section, the Direc-  
 14 tor of the Peace Corps shall submit to the Com-  
 15 mittee on Foreign Affairs and the Committee on Ap-  
 16 propriations of the House of Representatives and the  
 17 Committee on Foreign Relations and the Committee  
 18 on Appropriations of the Senate a report on the  
 19 costs of providing all volunteers with access to ade-  
 20 quate communication, including cellular service and  
 21 Internet access.

22 “(d) REPORT ON MONITORING AND EVALUATION.—  
 23 Not later than one year after the date of the enactment  
 24 of this section and annually thereafter, the Director of the  
 25 Peace Corps shall submit to the Committee on Foreign

1 Affairs and the Committee on Appropriations of the  
 2 House of Representatives and the Committee on Foreign  
 3 Relations and the Committee on Appropriations of the  
 4 Senate a report on the monitoring and evaluation of Peace  
 5 Corps programs and Country Directors, including infor-  
 6 mation on the following:

7           “(1) A description of the monitoring and eval-  
 8           uation activities conducted in the preceding year.

9           “(2) A forecast of the monitoring and evalua-  
 10          tion activities planned for the subsequent year.

11          “(3) A description of the ways in which the re-  
 12          sults of the monitoring and evaluation activities have  
 13          informed the design and operation of development  
 14          policies and programs during the preceding year.”.

15 **SEC. 3. CONFORMING AMENDMENTS.**

16          (a) **INCLUSION OF SEXUAL ASSAULT RISK-REDUC-**  
 17 **TION AND RESPONSE TRAINING.**—The Peace Corps Act  
 18 is amended—

19           (1) in section 5(a) (22 U.S.C. 2504(a)), in the  
 20           second sentence, by inserting “(including training  
 21           under section 8A)” after “training”; and

22           (2) in section 8(a) (22 U.S.C. 2507(a)), in the  
 23           first sentence, by inserting “, including training  
 24           under section 8A,” after “training”.

1       (b) CERTAIN SERVICES.—Section 5(e) of the Peace  
2 Corps Act (22 U.S.C. 2504(e)) is amended, in the first  
3 sentence—

4           (1) by inserting “(including, if necessary, for  
5 volunteers and trainees, services under section 8C)”  
6 after “health care”; and

7           (2) by inserting “including services provided in  
8 accordance with section 8C (except that the six-  
9 month limitation shall not apply in the case of such  
10 services),” before “as the President”.

○